IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

TENNESSEE VALLEY TRADES AND)	
LABOR COUNCIL and INTERNATIONAL)	
ASSOCIATION OF MACHINISTS,)	
)	Case No. 3:04cv0391
Plaintiffs,)	
)	JUDGE TRAUGER
v.)	
)	
DAY & ZIMMERMANN NPS, INC.,)	
)	
Defendant.)	

ORDER

For the reasons expressed in the accompanying Memorandum, the Motion to Amend (Docket No. 47) and the Motion for Summary Judgment (Docket No. 50) filed by plaintiffs Tennessee Valley Trades and Labor Council and International Association of Machinists are **GRANTED**, and the Motion for Summary Judgment filed by defendant Day & Zimmermann NPS, INC. is **DENIED**.

Grievance MCH269-00001 and the question of fair notice raised by Ed Pierce before the JAC on June 19, 2003 shall be submitted to arbitration, and this action is **DISMISSED** without prejudice.

It is so ordered.

Enter this 21st day of February 2006.

ALETA A. TRAUGER
United States District Judge